

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.: 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the :
natural parent and guardian of J.I., JUWAN :
HARRINGTON, CYDNEEA HARRINGTON, :
KENYA WALTON :
individually and as the natural parent and :
guardian of R.W., ZIYEL WHITLEY, :
DYAMOND WHITLEY, KAMISHA :
WHITLEY, and NANETTA GRANT as the :
natural parent and guardian of Z.G. :

Plaintiffs, :

vs. :

THE CITY OF RALEIGH, Officer OMAR I. :
ABDULLAH, Sergeant WILLIAM ROLFE, :
Officer RISHAR PIERRE MONROE, Officer :
JULIEN DAVID RATTELADE, and Officer :
MEGHAN CAROLINE GAY, in their individual :
capacities, :

Defendants. :

**Defendant Rolfe's
Local Civil Rule 56.1 Statement of
Undisputed Material Facts**

Pursuant to Local Civil Rule 56.1, Defendant Rolfe submits the following statement of undisputed material facts.

UNDISPUTED MATERIAL FACTS

Defendant Rolfe adopts and incorporates by reference paragraphs 1 through 34, inclusive, of the Statement of Material Facts submitted by Defendant Omar Abdullah, filed as DE # 206, as well as the Appendix filed by Defendant Abdullah, DE # 207. Additionally, Defendant Rolfe contends that the following material facts are not the subject of any genuine dispute:

35. William Rolfe was the Sergeant of the Vice Unit on and before May 21, 2020. [2nd Amend. Compl., DE # 93, at ¶¶ 24, 45; *see also* Rolfe depo. p. 8, lines 8-10].

36. Rolfe did not have any prior knowledge of, or involvement in, the arrest of Marcus VanIrvin on May 20, 2020, Abdullah's application for a search warrant for 1628 Burgandy Street, or the search of the Burgandy Street properties occupied by Plaintiffs. This was due to the fact that Rolfe was on vacation that week and was out of town. [Rolfe depo. pp. 42, line 23 to 44, line 2; p. 160, lines 4 to 11; p. 163, line 23 to p. 164, line 7; p. 15, lines 19 to 22].

37. Rolfe did not typically review the audio recordings or videos of controlled buys made by the detectives in the Vice Unit because he believed it was each detective's responsibility to consult with the prosecutor to determine whether the audio and video evidence was sufficient for a prosecution. [Rolfe depo. p. 34, lines 3 to 8].

38. Rolfe did not believe that Abdullah acted dishonestly or was ever personally profiting from his interactions with Dennis Williams. [Rolfe depo. pp. 89, line 25 to 90, line 3; p. 92, lines 12 to 21].

Respectfully submitted, this the 31st day of March, 2023.

CROSSLEY McINTOSH COLLIER HANLEY & EDES PLLC

/s/Norwood P. Blanchard III
Norwood P. Blanchard III
N.C. Bar No. 26470
5002 Randall Parkway
Wilmington, NC 28403
Tel. (910) 762-9711
Fax. (910) 256-0310
norwood@cmclawfirm.com
Attorneys for Defendant W. Rolfe

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2023, I electronically filed the foregoing **Defendant Rolfe's LR 56.1 Statement** with the Clerk of Court using the CM/ECF system, which will electronically serve counsel for the following parties:

Robin L. Tatum, City Attorney
Dorothy V. Kibler, Deputy City Attorney
P.O. Box 1949
Raleigh, NC 27602
Tel: (919) 996-6560
Fax: (919) 996-7021
Dorothy.Kibler@raleighnc.gov
ATTORNEYS FOR DEFENDANT CITY
OF RALEIGH

Michael L. Littlejohn, Jr.
Littlejohn Law, PLLC
227 W. 4th Street, Ste B-113
Charlotte, NC 28202
Email: mll@littlejohnlaw.com
Attorneys for Plaintiffs

Abraham Rubert-Schewel
Emily Gladden
Tin Fulton Walker & Owen, PLLC
204 N. Person Street
Raleigh, NC 27601
Email: schewel@tinfulton.com
Email: egladdened@tinfulton.com
Attorneys for Plaintiffs

Rodney E. Petty
Alayna Poole
rpetty@ymwlaw.com
apoole@ymwlaw.com
Yates, McLamb & Weyher, LLP
Post Office Box 2889
Raleigh, North Carolina 27602
*Counsel for Officer Rishar Pierre Monroe,
Officer Julien David Rattelade and
Officer Meghan Caroline Gay*

Jason R. Benton
Parker Poe Adams & Bernstein LLP
Bank of America Tower
620 S. Tryon Street, Ste. 800
Charlotte, NC 28202
Counsel for O. Abdullah